

Pages 1 - 29

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE NATHANAEL COUSINS, MAGISTRATE JUDGE

| | | |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | NO. 5:15-cr-00034-EJD |
| |) | |
| CHRISTIAN REIMER |) | |
| STUKENBROCK, |) | |
| |) | |
| Defendant. |) | San Jose, California |
| _____ |) | Monday, May 11, 2015 |

TRANSCRIPT OF OFFICIAL ELECTRONIC SOUND RECORDING
OF PROCEEDINGS

FTR 1:37 p.m - 2:05 p.m. and
2:12 p.m. - 2:19 p.m. = 35 minutes

APPEARANCES:

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BY: **AMBER S. ROSEN**
Assistant United States Attorney

For Defendant: STEVEN KALAR
Federal Public Defender
55 South Market Street, Ste. 820
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BY: **ROBERT MICHAEL CARLIN**
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ALSO PRESENT: LaDreena Walton, U.S. Pretrial Services Officer

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1 Monday, May 11, 2015

2 1:37 p.m.

3 P R O C E E D I N G S

4 (Defendant present in court.)

5 **THE CLERK:** Calling criminal 15-0034, United States
6 versus Christian Reimer Stukenbrock.

7 **MS. ROSEN:** Good afternoon, your Honor. Amber Rosen
8 for the United States.

9 **THE COURT:** Good afternoon.

10 **MR. CARLIN:** And your Honor, good afternoon, Robert
11 Carlin appearing for Mr. Stukenbrock, who is present before
12 your Honor.

13 **THE COURT:** Good afternoon to you both. This matter
14 is on for two things. First is the completion of the financial
15 affidavit by the defense.

16 Mr. Carlin, have you had to chance to evaluate that?

17 **MR. CARLIN:** We -- it's a work in progress, and if
18 I might save that for the next appearance, or file it with the
19 Court, I would appreciate that.

20 **THE COURT:** Very well. We'll continue, then, your
21 temporary representation --

22 **MR. CARLIN:** Thank you, your Honor.

23 **THE COURT:** -- until that process is completed and
24 we'll just notate for our records that it still needs to be
25 submitted.

1 Then the second matter of business was the detention
2 hearing, and the Court has received the Pretrial Services
3 report. Have the parties each had an opportunity to review
4 that?

5 **MS. ROSEN:** Yes, your Honor.

6 **MR. CARLIN:** And yes, we have, your Honor.

7 **THE COURT:** And are you ready to proceed,
8 Mr. Carlin, or is additional time needed for a further
9 investigation?

10 **MR. CARLIN:** We -- and I'll take the Court's read on
11 this, so to speak -- I think that we agree with the
12 recommendation in principle, and of course, it was subject to
13 the provision of a viable surety. We believe, and we are --
14 unfortunately, until yesterday evening or at least yesterday,
15 our viable surety was out of town. So we were somewhat
16 hamstrung by that, but Mr. Stukenbrock's daughter is in court
17 today. She's in the third row, along with her mother,
18 Mrs. Stukenbrock's ex-wife, and she is willing to sign as a
19 surety on the conditions suggested by Pretrial Services, and
20 I believe, and I'm happy to explain why, that those conditions
21 would be appropriate and that she would be a viable surety, but
22 I understand that Pretrial Services has not had an opportunity
23 to speak with Kristina, Ms. Stukenbrock, so I don't know
24 whether your Honor would want to direct questions to her or
25 whether or not the Court would prefer that we were to come back

1 tomorrow, subject to that interview.

2 **THE COURT:** All right, well, I appreciate that, and
3 one of the considerations is whether the government has had an
4 opportunity to evaluate her appropriateness as a surety and
5 whether you can confer about that with government counsel and
6 whether that might aid the overall efficiency of the argument.
7 So I could take it either way.

8 **MR. CARLIN:** I think -- and I won't speak for
9 Ms. Rosen, but we had a very brief conversation, and I did
10 confirm subsequent to that conversation that Ms. Stukenbrock is
11 employed. She works in Monterey, at Robert Talbot. I think
12 the annual salary is around \$45,000. But there's no resources
13 beyond her employment and her integrity, which I believe, based
14 on my brief interactions, seems to be quite manifest.

15 **THE COURT:** All right. Well, then, let me hear from
16 Ms. Rosen as to what process she proposes, but as both parties
17 have acknowledged, the recommendation from Pretrial Services is
18 that there be a -- if a viable co-signer is available, and it's
19 been proposed that Kristina is that person, that
20 Mr. Stukenbrock be released on an unsecured appearance bond in
21 an amount to be determined, with a variety of special
22 conditions of release, which are relatively standard ones.

23 So before getting into all the issues, Ms. Rosen, do
24 you have a view as to the process we should follow?

25 **MS. ROSEN:** Your Honor, I guess I wasn't aware that

1 we had previously indicated we were okay with an unsecured
2 bond. Did that happen at the last hearing?

3 **THE COURT:** You haven't agreed to it.

4 **MS. ROSEN:** Oh.

5 **THE COURT:** You haven't agreed to it.

6 **MS. ROSEN:** Oh, okay.

7 **THE COURT:** So I'm asking you if you do agree with
8 that or if you don't agree with it.

9 **MS. ROSEN:** Okay, thank you. I think we're
10 concerned about there being an unsecured bond in this case.
11 The defendant does have significant ties to Germany. He is a
12 German citizen. He spent the last four months there. You
13 know, although he has lived here in the past and he has some
14 family here, including his ex-wife and daughter -- and two
15 daughters, he has no residence, he has no employment, he seems
16 to have no assets, and while we wouldn't be opposed to a
17 surety, I think a secured bond may be more appropriate in this
18 particular case.

19 I mean, he does have one failure to appear. It was
20 for the DMV, but still it was a failure to appear, from just
21 2013. So we do have some concerns about the flight risk.

22 **THE COURT:** All right, and of course, the other
23 aspect of the Court's detention decision is any danger to the
24 community. That was not a factor that indicated to Pretrial
25 Services that the defendant be detained.

1 Does the government have any additional concerns
2 about danger that haven't been expressed yet?

3 **MS. ROSEN:** No, we don't, your Honor. Our concerns
4 are really more about non-appearance than it is to danger to
5 the community.

6 **THE COURT:** All right. Then let me turn back to the
7 defense to say, the focus here is on risk of non-appearance,
8 and my primary question is, where is he going to be released
9 to, where is he going to be residing, and might this be a case
10 where a custodian is appropriate, and wanting more details
11 about that, and again, not because of danger to the community,
12 but just a risk of non-appearance.

13 **MR. CARLIN:** I think with respect to the issue of
14 flight, one thing that seems quite clear to me -- and I'm
15 taking this out of sequence, but it is something that's of
16 significance -- this particular matter has already been subject
17 to, I think, some pretty rigorous civil litigation, of which
18 Mr. Stukenbrock has been mindful. He's involved in it, and
19 I think that to a person of average intelligence, and it seems
20 to me that Mr. Stukenbrock is considerably above that, it was
21 quite likely that this case -- and he was represented -- would
22 at some point turn into a federal indictment.

23 Mr. Stukenbrock was in Germany, as Ms. Rosen has
24 remarked and Pretrial Services has observed, with that
25 information, with that knowledge, with that potential, and yet

1 he came back to the United States, and I think that any notion
2 that he might not be honorable with respect to his obligations
3 in staying around to contest this case are belied by the fact
4 that whilst in Germany, he still chose to come back.

5 And I think that, your Honor, is significant, allied
6 with the fact that he has a long-standing residence and
7 relationship with the Northern District of California. He does
8 have family. They are here, they are supportive. Even his
9 ex-wife, who was admirably circumspect in her communication
10 with Pretrial Services, is here, which I think belies a measure
11 of support that should give the Court some comfort.

12 And frankly, I think the other of it, too, is in
13 terms of incentives, this is a case that Mr. Stukenbrock
14 I think intends to vigorously defend, and so there's no reason
15 for him to leave.

16 With respect to your Honor's question, I don't think
17 at this point, in all candor, there is someone that could act
18 as a custodian. We understand that Pretrial Services is in
19 place and Mr. Stukenbrock understands that conditions would be
20 imposed to which he would subject, and there's no quarrel with
21 a degree of supervision, frankly, that is elevated to offset
22 the lack of a custodian.

23 Our anticipation, your Honor, is as follows: If
24 your Honor is inclined to release Mr. Stukenbrock subject to
25 Pretrial Services' approval or your Honor's satisfaction with

1 Kristina, that he would live with Kristina whilst he secures
2 his own residence, which again would be subject to Pretrial
3 Services' approval.

4 If for some reason Pretrial Services does not
5 approve, we'd be happy to come back before your Honor and deal
6 with that issue then, but that would be -- and the address for
7 Kristina, if the Court wants it, is 500 Glenwood Circle in
8 Monterey, Zip Code is 93940. So he would, without delay,
9 immediately look for a place to live, under the auspices and
10 supervision of Pretrial Services.

11 And again, to offset any concern that your Honor may
12 have about lack of a custodian, we would be willing to and
13 amenable to perhaps more rigorous reporting requirements with
14 Pretrial.

15 **THE COURT:** And is -- of course, the custodian
16 situation is not what was recommended by Pretrial, so you may
17 not have investigated that, maybe you have.

18 Do you know that Kristina could not be a custodian
19 or does not want to be a custodian, or what's your --

20 **MR. CARLIN:** Well, I -- no, I think my point, your
21 Honor, was more that in terms of, once he's moved out into his
22 own space, so to speak, she would be, I am sure, willing, to
23 the extent that she has interaction with Mr. Stukenbrock, to
24 undertake that, but it wouldn't be kind of a daily routine
25 supervision, so to speak, if I'm understanding your Honor's

1 question.

2 **THE COURT:** I think you're understanding it. The
3 question is whether that's going to be stable enough to --

4 **MR. CARLIN:** Well, if I might, your Honor, the
5 other -- with respect to Ms. Rosen's comment about the traffic
6 ticket, I don't know enough about that and I wouldn't be able
7 to speak to whether or not that was a knowing failure on
8 Mr. Stukenbrock's part or not, but I was interested in page --
9 page 4 of the Pretrial Services report, which references his
10 having been on a federal bond from what appears to be June of
11 2000 until May of 2001, which bond was exonerated upon
12 dismissal of the case.

13 So I think that that might be a better indication of
14 his amenability to supervision, if there was supervision,
15 and/or his propensity to follow rules and regulations as set
16 out by a federal magistrate judge, because that apparently
17 occurred here, and there were, in fact, modifications of the
18 bond that seem to suggest that Mr. Stukenbrock earned a level
19 of trust.

20 **THE COURT:** The other issue which I will need your
21 guidance on is the proper amount of a bond. There is not an
22 amount --

23 **MR. CARLIN:** Correct.

24 **THE COURT:** -- recommended by -- I understand the
25 government has concerns that an unsecured bond may not be

1 sufficient, but even if we're talking about an unsecured bond,
2 what would be the appropriate amount, and here, while I have
3 some information about the defendant's background, I haven't
4 seen the declaration that goes along with the application for
5 counsel, so I don't have that information. I have an
6 indictment charging economic crimes, so that's a charge -- he's
7 presumed innocent, but there's that type -- it's that type of a
8 case.

9 So there's some information which I don't have, to
10 try to find a bond amount that's a proper amount.

11 **MR. CARLIN:** Correct. All I can say at this point
12 is my understanding of the financial situation, at least as it
13 relates to Mr. Stukenbrock, is it's very limited, and I think
14 once the financial affidavit is furnished, it will show that
15 there are -- there is not a sufficient pool of funds, so to
16 speak, to facilitate any attempt on his part to flee the coop,
17 so to speak.

18 There are no assets to speak of. There are -- that
19 I'm aware of. Based on my discussion with him, I'm happy to
20 state for the record as it stands right now, there are no bank
21 accounts that are flush, there are no assets that would afford
22 him the luxury of a departure, and any ability for him to
23 offset and/or make good to family whatever loss they suffered
24 by signing a bond. So....

25 **THE COURT:** What is the amount of unsecured that

1 you're proposing?

2 **MR. CARLIN:** I'm willing to have Ms. Rosen offer
3 input on that, and to defer to the Court's wisdom. That's not
4 to say that I'm not -- I just think that we're willing, and
5 I understand Ms. Rosen's response might be, well, of course,
6 because there's nothing on the line, but I don't think a bond
7 of \$100,000 would be unreasonable.

8 **THE COURT:** All right, Ms. Rosen, what do you think?

9 **MS. ROSEN:** Well, your Honor, I guess I would agree
10 with what Mr. Carlin predicted I would say, which is at some
11 level, it really doesn't matter what an unsecured bond is,
12 because if he doesn't appear, we have no assets, no money to go
13 after. He has no money, he has no assets. His daughter, you
14 know, makes only \$45,000 a year, and owns no assets.

15 So, you know, that's why I think an unsecured bond
16 doesn't protect our interests in any way. There's really
17 nothing for him to lose from fleeing.

18 **THE COURT:** So what should I do under that
19 circumstance?

20 **MS. ROSEN:** I think you should require some
21 security. I mean, even with the bond that Mr. Carlin
22 referenced that the prior magistrate had imposed, it was a
23 property bond. It wasn't an unsecured bond. So, you know, we
24 would be comfortable with some kind of property or money that
25 were actually posted, but given that he has no employment, no

1 residence and significant travel to Germany, I guess we just
2 don't feel comfortable at this point with his release unless
3 there were some property put up and a custodian.

4 **THE COURT:** All right, and Mr. Carlin, is there any
5 prospect for finding such property, if I gave you more time to
6 find it?

7 **MR. CARLIN:** I don't believe there is, your Honor,
8 and of course, I think two things in response to that. I guess
9 back then were times of greater prosperity. The other thing,
10 of course, is that I wouldn't necessarily say that with an
11 unsecured bond Mr. Stukenbrock has nothing to lose. I think,
12 in fact, he has quite a lot to lose, because if he were to
13 leave, he leaves his daughter, if you will, holding the bag, as
14 subject to garnished wages and subject to, beyond that, a level
15 of hurt that would be quite profound, and I don't think that
16 under the circumstances of this case and this indictment,
17 Mr. Stukenbrock has any reason to do that.

18 I think secondarily, your Honor, and I think this
19 does place your Honor in a difficult kind of situation, because
20 obviously, I wish that we had property to volunteer to secure a
21 bond, but to the extent that we don't, to the extent
22 Mr. Stukenbrock finds himself in straitened financial
23 circumstances and has family that is not flush, it seems
24 unreasonable to therefore have him detained because he doesn't
25 have the means to fund the bond, so to speak, and I think to

1 offset that, as I said earlier, we haven't any problem with
2 your Honor adding to and/or intensifying the conditions of
3 supervision because we can only volunteer, if you would, an
4 unsecured bond.

5 So, you know, we don't mind if Mr. Stukenbrock is
6 required to report to Pretrial Services weekly, or
7 telephonically daily, whatever Pretrial Services needs to be
8 comfortable with Mr. Stukenbrock, or that your Honor needs in
9 order to kind of -- to get this thing, so to speak, moving, and
10 of course, that can be modified good or bad, up or down,
11 dependent upon his performance on supervision.

12 **THE COURT:** And does that change your mind in any
13 way?

14 **MS. ROSEN:** I'm afraid not.

15 **THE COURT:** All right, here's what I suggest
16 doing -- and again, this is with your feedback, Mr. Carlin --
17 is to have Kristina come up and we can inquire further about
18 some of these things and see if she, having heard what she's
19 heard, is willing to be a surety on an unsecured bond, and then
20 we'll have some further argument after she participates in that
21 process.

22 **MR. CARLIN:** Thank you, your Honor.

23 **THE COURT:** Come on up. If you'll speak into the
24 microphone, please, we are making a recording of what's being
25 said. If you can state your full name, please?

1 **MS. STUKENBROCK:** Yes, it's Kristina Laura
2 Stukenbrock.

3 **THE COURT:** All right, and I'm going to ask you some
4 questions, and I'm going to have my deputy swear you in,
5 because it's under penalty of perjury.

6 **MS. STUKENBROCK:** Um-hum.

7 **THE CLERK:** Raise your right hand.

8 (Kristina Laura Stukenbrock, sworn.)

9 **MS. STUKENBROCK:** Yes.

10 **THE COURT:** All right, Ms. Stukenbrock, how do you
11 know Mr. Stukenbrock?

12 **MS. STUKENBROCK:** He's my dad.

13 **THE COURT:** And where do you live?

14 **MS. STUKENBROCK:** I live in Monterey, California.

15 **THE COURT:** How long have you lived there?

16 **MS. STUKENBROCK:** I've lived there for a little over
17 a year.

18 **THE COURT:** And how are you employed?

19 **MS. STUKENBROCK:** I am employed by a company based
20 in Monterey. I'm a merchandiser.

21 **THE COURT:** And how long have you been working at
22 that business?

23 **MS. STUKENBROCK:** A little over a year.

24 **THE COURT:** I need to ask you some questions about
25 your income and assets, and I'm not trying to do that to pry

1 into your private business, but it's been proposed -- and you
2 were here in court, hearing it -- that your father be released
3 on an unsecured bond in a certain amount of money. I'm going
4 to explain to you what that means to make sure you understand
5 it, and then will explain why I have to ask some questions
6 about your assets and income.

7 It's been proposed by the defense that he be
8 released on a \$100,000 unsecured bond. What that means is --
9 Mr. Stukenbrock, you should listen to this too, because it
10 matters to you, too -- that he's going to be released with some
11 process to come back to court to face the charges in this case.

12 If he doesn't come back to court to face the
13 charges, the consequences will be serious both to you and to
14 him. For him, he could be re-arrested and held in custody for
15 the rest of the case and he could have additional charges filed
16 against him. You each could have a judgment up to the amount
17 of the bond. So if it's a \$100,000 bond, the government could
18 seek to collect from him, and also from you, up to \$100,000, if
19 he fails to follow these conditions and come back to court.

20 So that's a -- the intent of that is to incentivize
21 him to come back to court and to follow the rules. If he
22 follows the rules and comes back to court, at the end of the
23 case, that bond will be terminated, there will be no money
24 collected from you, and that piece of paper is destroyed.

25 You should only be a surety for your father if you

1 think he can follow these conditions of release and you think
2 he's going to come back to court.

3 I'm not forcing you to do it and you should not do
4 it out of a sense of duty. It's your own financial liberty
5 that's going to be at stake if he's released, and so you should
6 do it if you've had a chance to think about it and ask any
7 questions that you need to and you determine that he's a good
8 candidate to come back to court, because it's not something you
9 should do if you haven't thought about it seriously and have
10 had any chance to evaluate your choices.

11 Do you understand that?

12 **MS. STUKENBROCK:** Yes.

13 **THE COURT:** All right, and if I do release him, over
14 the course of the case, it is possible that the rules of
15 release might change. In other words, sometimes there's minor
16 variations on how frequently he has to come back to court and
17 what expectations he has while on release. You don't need to
18 come back to court each time he comes to court. You're welcome
19 to, if you wish to, and you don't have to be in contact with
20 the Court about what's going on, but you might choose to, just
21 to keep track of what's happening.

22 Your obligation as a surety will continue unless you
23 get permission from the Court to be excused. In other words,
24 once you agree that you're going to be a co-signer on his
25 release, your obligation up to that amount is going to continue

1 unless there's a further court order.

2 Do you understand that?

3 **MS. STUKENBROCK:** Yes.

4 **THE COURT:** All right, and I didn't ask you this at
5 the beginning, but how far did you go through school?

6 **MS. STUKENBROCK:** I got a master's.

7 **THE COURT:** All right, and your obligation as a
8 co-signer is going to continue unless there's a court order,
9 all right?

10 **MS. STUKENBROCK:** I'm sorry, what was that?

11 **THE COURT:** Unless there's a court order excusing
12 you as the surety, your obligations as a surety will continue
13 until that time.

14 **MS. STUKENBROCK:** Okay.

15 **THE COURT:** And he's going to be supervised by the
16 Pretrial Services. There's an officer here in court that will
17 be working with your father if he's released to make sure he
18 complies with these obligations. Do you understand that?

19 **MS. STUKENBROCK:** Um-hum.

20 **THE COURT:** All right. Do you have any questions
21 for me about what it means to be a surety and what your
22 obligations are if you co-sign on the release of your father?

23 **MS. STUKENBROCK:** Um, I guess my only questions
24 would be the amount of time that I would need to come, as I do
25 travel a lot for work, and I am supposed to be relocating for

1 work this year.

2 **THE COURT:** Moving to a different city, and do you
3 roughly know when that will occur?

4 **MS. STUKENBROCK:** August 1st.

5 **THE COURT:** All right. You don't need to come back
6 to court -- you don't need to come back to court at all once
7 this release order is signed, unless you want to come back
8 yourself to ask for this relationship -- not the
9 relationship -- the order of you being a surety ends. So you
10 don't have to come back at all.

11 But as the information of August 1st, it's been
12 proposed by the defense that he be released now, and will be a
13 later time that that occurs, and that he can only change where
14 he's living with advance notice to the Court. So if you, in
15 fact, move down the road and he has to move somewhere, that's
16 something that he'll have to know about and the Court will need
17 to know about too.

18 **MS. STUKENBROCK:** Um-hum.

19 **THE COURT:** And one of the conditions of release is
20 that he has to stay within the Northern District of California,
21 that's from Monterey up to the Oregon border, and he can't go
22 outside of that area without permission of the Court.

23 **MS. STUKENBROCK:** Okay.

24 **THE COURT:** Any other questions that you have?

25 **MS. STUKENBROCK:** I don't think so.

1 **THE COURT:** All right, so my questions about your --
2 to go back to the questions about your assets and income, the
3 reason I have to ask, in trying to fashion a bond that's going
4 to be sufficient, so that he has motivation to come back to
5 court. So can you tell me what your annual salary is?

6 **MS. STUKENBROCK:** 45,000 a year.

7 **THE COURT:** All right, and can you estimate for me
8 what your -- any assets that you own? Do you own a home or a
9 car, or any other assets?

10 **MS. STUKENBROCK:** I do not.

11 **THE COURT:** All right, and do you rent your
12 residence in Monterey?

13 **MS. STUKENBROCK:** I do.

14 **THE COURT:** And what is the monthly -- what's your
15 monthly rent?

16 **MS. STUKENBROCK:** The monthly rent is \$1,300, that
17 I split with another person.

18 **THE COURT:** All right, and it's been proposed by the
19 defense that your father is going to come live with you, at
20 least for a little while. Is there space for him to live with
21 you?

22 **MS. STUKENBROCK:** Yes, we will make a space.

23 **THE COURT:** All right. Then let me ask Ms. Rosen,
24 the attorney for the government, if she has any additional
25 inquiries that you think I should be making about Kristina

1 Stukenbrock's availability and qualifications as a co-signer.

2 **MS. ROSEN:** No, your Honor. I guess the only issue
3 would be, if the defendant is living with her, what would
4 happen come August.

5 **THE COURT:** My -- go ahead.

6 **MS. ROSEN:** Oh, no, and the only other thing I was
7 going to say, which is not so much a concern -- and perhaps you
8 said it, so I apologize if I'm just repeating what you already
9 said -- but I assume Ms. Stukenbrock should be aware that she
10 would be liable for the bond if defendant violated any of the
11 conditions of release --

12 **THE COURT:** Yes.

13 **MS. ROSEN:** -- not just non-appearance, but any of
14 the conditions of release.

15 **THE COURT:** And we will review -- I've hit the high
16 points, but we'll review the release document itself, to make
17 that clear.

18 **MS. ROSEN:** Thank you.

19 **THE COURT:** All right, then, any other questions
20 that the government wishes me to propound?

21 **MS. ROSEN:** No, thank you, your Honor.

22 **THE COURT:** All right, and Mr. Carlin, anything else
23 you think I should inquire into?

24 **MR. CARLIN:** No, your Honor, and just for the
25 Court's edification, we did discuss this outside before the

1 hearing, and I explained to Ms. Stukenbrock that she would be
2 liable in the event Mr. Stukenbrock were to violate any
3 condition, whether he were to re-offend or break the law. So
4 it's not just limited to flight, and I understand your Honor
5 will admonish Ms. Stukenbrock.

6 And again, just to reiterate, it is our intention
7 for Mr. Stukenbrock to impose on his daughter for only as long
8 as it takes him to find his own residence that meets the
9 approval of Pretrial Services.

10 **THE COURT:** All right, well, here's my suggestion,
11 which is that we release Mr. Stukenbrock on a \$100,000
12 unsecured bond co-signed by his daughter Kristina, and that in
13 about 30 days or whenever you're -- sometime around then that
14 you are all available, we revisit the release issues to see if
15 by that time Mr. Stukenbrock has his own place to live, to see
16 if there's any other modifications of release that will be
17 appropriate, whether the bond should be increased or decreased,
18 and also at that time the Court will have some more information
19 about his financial situation that I lack right now. So I'm
20 using \$100,000 based on information I have available, which is
21 not (audio noise) information, but it's something, and weighing
22 heavily in my determination is that there's no assertion by the
23 government and nothing on the record that would indicate
24 Mr. Stukenbrock is a danger to the community. So if it were a
25 different circumstance and I had some concerns that there was

1 going to be harm caused to someone, I would not be releasing
2 him without knowing much more information.

3 So unless there's any further argument, if we can
4 get that bond going, and we will advise Mr. Stukenbrock of all
5 the details, do the parties have a copy of...?

6 (Indistinct colloquy.)

7 **MR. CARLIN:** Oh, okay.... All right.

8 **THE COURT:** So why don't you start working on that.
9 We've got just one other case to call, which I think will be a
10 quick one --

11 **MR. CARLIN:** I'll do that, your Honor.

12 **THE COURT:** -- then we'll finish off in a few
13 moments.

14 **MS. ROSEN:** Thank you.

15 **THE COURT:** Thank you.

16 **MR. CARLIN:** Is Ms. Stukenbrock free to leave the
17 podium, your Honor?

18 **THE COURT:** She's free to leave the podium, but
19 stick around so we can finish the signatures.

20 **MR. CARLIN:** Yes, yes, obviously. Thank you, your
21 Honor.

22 **THE COURT:** You can take a minute, thank you.

23 Mr. Stukenbrock, we'll call you back in a minute.

24 (Matter in recess from 2:05 p.m. to 2:12 p.m.)

25 **THE CLERK:** Recalling criminal 15-0034, United

1 States versus Christian Stukenbrock.

2 **MS. ROSEN:** Good afternoon again, your Honor. Amber
3 Rosen for the United States.

4 **THE COURT:** Welcome back.

5 **MR. CARLIN:** And again, your Honor, Robert Carlin
6 with Mr. Stukenbrock, who is back in the court before your
7 Honor.

8 I think that we've checked off the right boxes and
9 we're ready to execute the bond.

10 **THE COURT:** Very well. If you can bring up Kristina
11 Stukenbrock for her signature and final advisement.

12 **MR. CARLIN:** Thank you, your Honor. And just for
13 the record, your Honor, the passport, we ticked the box that --
14 for surrender of the passport. The passport was already taken
15 by the FBI.

16 **THE COURT:** Very well, and if you can pass me up the
17 form, there, I will review it.

18 **MR. CARLIN:** Okay, and we are ready to sign when the
19 Court is ready.

20 **THE COURT:** Thank you. And the agency that -- the
21 passport is in FBI hands?

22 **MR. CARLIN:** I believe it was the FBI -- was it the
23 FBI?

24 **MS. ROSEN:** Your Honor, I don't know, actually.
25 I can check with the FBI agent and see if she -- but I don't

1 actually know that offhand.

2 **MR. CARLIN:** And I believe -- I've -- certainly
3 that's what we relayed to Pretrial Services, your Honor, so
4 I don't know where the source of the information in Pretrial
5 Services' report --

6 **THE COURT:** It was Agent Whitchurch (phonetic) from
7 the FBI indicated that that was true, so --

8 **MS. ROSEN:** Oh, okay.

9 **MR. CARLIN:** Yes.

10 **THE COURT:** -- that's good enough for me.

11 **MS. ROSEN:** Yes. Me too, then. Thank you, your
12 Honor.

13 **THE COURT:** All right, and there's a place on here
14 to mark for our next court date, so let's set that now. What
15 date would you like before Judge Davila?

16 **MR. CARLIN:** Two weeks, three weeks?

17 **MS. ROSEN:** His next calendar is fine, your Honor.

18 **THE CLERK:** Judge Davila's clerk is asking the
19 matters to be set June 1st and beyond.

20 **MS. ROSEN:** June 1st is fine.

21 **MR. CARLIN:** June the 1st would be a good date for
22 me if that's agreeable to Ms. Rosen, your Honor.

23 **THE COURT:** All right, we'll set it June 1st at
24 1:30.

25 **THE CLERK:** That's correct, your Honor.

1 **MR. CARLIN:** And did your Honor want to set now a
2 kind of a status on the bond issue?

3 **THE COURT:** You know, we could use that same date,
4 if Judge Davila will coordinate with us to make a quick one
5 here and then go there.

6 **MR. CARLIN:** That would be fine, Judge.

7 **THE COURT:** That would be more efficient, probably.

8 **MS. ROSEN:** Sure.

9 **THE COURT:** All right, so -- and if it turns out
10 that nothing has changed and you don't want anything to change,
11 you can just indicate to me jointly before that date that
12 there's no reason to come here.

13 **MR. CARLIN:** Thank you.

14 **MS. ROSEN:** Sure, your Honor. I thought I would
15 just -- I know you've made your ruling, but I did need to tell
16 you this, and I apologize for not raising it earlier and, you
17 know, take it for what you think it's worth, but Mr. Carlin
18 made reference to the civil case, and that occurred here, and
19 there was a civil case, and I just wanted to make your Honor
20 aware that the Superior Court judge who was here in Santa Clara
21 County did find that Mr. Stukenbrock was the least credible
22 witness she had ever seen in her entire experience on the
23 bench.

24 **THE COURT:** And that was based on observing, what?
25 What was the information that that comment was directed from?

1 **MS. ROSEN:** Yes, that was based on his testimony,
2 deposition testimony, the way that he conducted himself during
3 the trial.

4 **THE COURT:** And which judge was that?

5 **MS. ROSEN:** I can't remember her name offhand, your
6 Honor, but I could get that for you, if you need it.

7 **THE COURT:** All right, in part, that's important for
8 Kristina Stukenbrock to know in evaluating whether she wants to
9 sign this document.

10 **MS. ROSEN:** Yes, thank you, your Honor.

11 **THE COURT:** I also want to inform her, because she
12 was not here at the last court date, just to make sure that she
13 knew that Mr. Stukenbrock is charged in multiple counts for
14 wire fraud, and the maximum penalties, if convicted of those
15 charges, are 20 years in prison, a \$250,000 fine or twice the
16 gain or loss from the offense, three years of supervised
17 release and a \$100 special assessment for each count of
18 conviction. He's presumed innocent of those charges and has
19 entered a not guilty plea.

20 All right. So these are the conditions of release
21 that have been proposed and that I'm prepared to order:

22 That Mr. Stukenbrock be released on a \$100,000
23 unsecured bond, co-signed by his daughter Kristina Stukenbrock.
24 He must appear at all future court proceedings and, if
25 sentenced, surrender to serve any sentence imposed. He may not

1 commit any federal, state or local crime. He may not harass,
2 threaten, intimidate, injure, tamper with or retaliate against
3 any witness, victim, judge or juror, and he must not obstruct
4 any criminal investigation.

5 His travel is restricted to the Northern District of
6 California. Those are the counties from Monterey up to the
7 Oregon border, along the coast.

8 He will report to the Pretrial Services department
9 upon release, and thereafter be supervised by the Pretrial
10 Services office.

11 It's been represented that he has surrendered his
12 passport to the FBI; it's in their custody. He may not apply
13 for a passport or other documentation of travel outside the
14 United States.

15 Finally, he may not change his residence without the
16 advance approval of Pretrial Services.

17 The next court dates are on June 1st at 1:30 p.m.,
18 both here and in front of Judge Davila. The appearance here
19 will be to further assess these conditions of release and to
20 see if they should be modified in any way.

21 Mr. Stukenbrock, do you understand the conditions of
22 release?

23 **THE DEFENDANT:** Yes, sir.

24 **THE COURT:** And do you agree to follow them?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** All right. Kristina Stukenbrock, do you
2 understand what it means to be a surety, up to the amount of
3 \$100,000?

4 **MS. STUKENBROCK:** Yes.

5 **THE COURT:** And do you agree to be a surety for your
6 father up to that amount?

7 **MS. STUKENBROCK:** Yes.

8 **THE COURT:** All right, then I will pass this back to
9 you for your signatures, and the marshals will get a copy of
10 it, as well.

11 **MR. CARLIN:** Does your Honor want the boxes
12 initialed too, or just signatures?

13 **THE COURT:** You don't need to initial the boxes.

14 **MR. CARLIN:** Okay, thank you, your Honor.

15 (Indistinct colloquy.)

16 **MR. CARLIN:** Thank you, your Honor.

17 **THE COURT:** Is there any exclusion of time request
18 until June the 1st?

19 **MR. CARLIN:** We haven't any objection. We have --
20 Ms. Rosen's working on putting discovery together for us, so at
21 this point, I think it would be appropriate, your Honor.

22 **THE COURT:** Is that the government's motion?

23 **MS. ROSEN:** Okay. Sure.

24 **THE COURT:** All right. We will exclude time from
25 now until June 1st for the effective preparation of counsel,

1 with the proffer that there's discovery to come.

2 **MR. CARLIN:** Thank you, your Honor.

3 **THE COURT:** Anything further today?

4 **MS. ROSEN:** No, thank you.

5 **MR. CARLIN:** No, your Honor. Thank you very much.

6 **THE COURT:** Thanks very much. Good luck.

7 **THE CLERK:** Court's in recess.

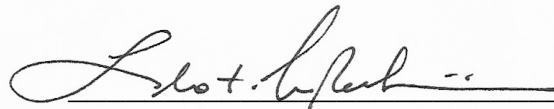
8 2:19 p.m.

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CERTIFICATE OF TRANSCRIBER

I, Leo Mankiewicz, certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

 01/04/2019

Signature of Transcriber

Date